

Attach. 3



Department of Land Conservation and Development

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M E M O R A N D U M

September 30, 1985

TO: Interested Parties
FROM: James F. Ross, Director
SUBJECT: PERIODIC REVIEW

The Land Conservation and Development Commission's Periodic Review Rule calls for the Director, where possible, to assist local governments qualifying for expedited review, by developing more simplified report formats, suggested orders, and sample findings (OAR 660-19-095(4)). Cities with fewer than 2,500 persons within the UGB qualify for expedited review status.

In an effort to provide local assistance, we have developed a Goal 5 (Open Space/Natural Resources) worksheet and explanation which sets forth a step-by-step process for meeting the Goal 5 rule requirements. You are free to either use the suggested worksheet format or another of your choosing. Because of the many steps involved in the Goal 5 rule process and the need to address each step, we believe that our worksheet would both simplify this process for you as well as help assure compliance with the Goal 5 rule. The specific Goal 5 Rule requirements are set forth in OAR 660-16-000.

Enclosed for your information is an explanation of the worksheet and the Goal 5 worksheet itself. Also enclosed is a list of field representatives and the areas they serve. Please feel free to contact your field representative for more information.

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Explanation of Worksheet

Type of Resource: This means one of the 12 resources listed under Goal 5. Many of these resources will not be found in small cities, such as wilderness areas, and most recreation trails, scenic waterways and natural areas. Those resources that are found will need to have one or more worksheets per type of resource prepared.

Description: This would be a subset of the type of resource identified above, such as a particular historic structure, or riparian habitat as a kind of fish and wildlife habitat.

Step 1 - Inventory Requirement: Locational information must be site-specific. For example, mineral and aggregate sites should be identified by tax lot, historic sites by address, and so on. Sites located outside city limits but inside the UGB and under County jurisdiction should be so noted. Information on quality and quantity may be taken from available information, or in its absence may be determined more subjectively and on a comparative basis. Regarding quantity, remember that the resource to be identified is the site, not, for example, numbers of wildlife occupying a site, though high or low usage may help determine a site's quality. Quantity in such a case would mean number and size of such sites. The concept of relative abundance should be part of the discussion of quantity or quality (e.g., the only 19th century log barn in the County, one of the only three sites in the state exhibiting such qualities...).

The 1-A alternative is not to be used for important resource sites the City does not wish to protect. When the 1-A alternative is chosen and subsequently challenged by an objector or the Department, the City must provide a supporting rationale for its decision. The 1-B alternative may only be used where the existence of a resource site is in doubt or where inventory deficiencies are serious. A finding of significance (1-C) should be supported by a published or state or federal or otherwise reliable source of information. Circle 1-A, 1-B or 1-C as appropriate, and take any required action.

Step 2 - Conflicting Use Determination and Analysis: Conflicting uses are generally those uses allowed either outright or conditionally in the zone which applies to the resource site. They generally involve structural development or resource uses, such as mineral and aggregate. Conflicting uses can be uses not usually regulated in zones, such as historic structure alteration or demolition, or removal of riparian habitat. Occasionally, two different Goal 5 resources at the same location will be conflicts for each other (e.g., an aggregate site and blue heron rookery). Federal lands may be found to have no conflicting uses over which the City has control. Other public lands are to be treated as private lands are treated. Circle 2-A or 2-B as appropriate, and take any required action.

The purpose of the Economic, Social, Environmental and Energy (ESEE) analysis is to anticipate the positive and negative effects conflicting uses would likely have on the resource site from economic, social, environmental and energy standpoints, if allowed to occur. Examples of economic effects might be: increase in local revenues or private return from development, increase in public service costs, decrease in local revenues from negative effect on tourism, increase or decrease in availability of low-cost resources for consumption. Examples of social effects might be: decrease in recreational use and enjoyment, and aesthetic values. Examples of environmental effects might be: destruction of or decrease in integrity of habitat, food chains, or flood control. Examples of energy effects might be an increase or decrease in energy costs or consumption. Both positive and negative effects under the ESEE analysis should be addressed. There may be no anticipated effects for some of these factors in some instances. From this ESEE analysis, cities must provide reasons to support decisions regarding significant Goal 5 resources.

Step 3 - Program for Protection: The decision to preserve the resource site or permit limited or full conflicting uses must be based on and supported by the ESEE analysis. Where the anticipated benefits from allowing full conflicting uses outweigh the harm which would come to the resource site, and benefits lost, the City will not want to preserve the site. Where the anticipated benefits from preserving the resource site outweigh the consequences of not allowing conflicting uses fully, the City could not justify a decision to fully allow conflicting uses. Some very significant resource sites may require preservation from all conflicting uses (3-A program). Other important resource sites may be sacrificed where there are compelling reasons and substantial evidence to support such a decision (3-B program). Many resource sites can be adequately protected by limiting conflicting uses (3-C program). Where a 3-C program is chosen, approval standards for allowing conflicting uses must be clear and objective. The conditional use process may be used to accomplish this, or, in most cases by the use of an overlay zone. Circle 3-A, 3-B or 3-C as appropriate and take any required action.

GOAL 5 WORKSHEET

Type of Resource: _____

Description: _____

1. Inventory Requirement

1-A: Available information indicates resource site not important:
YES or NO.

If YES, designate site 1-A; action required: none.

If NO, proceed.

1-B: Available information is insufficient to determine importance of
resource site: YES or NO.

If YES, designate site 1-B; action required: adopt policy to
follow Goal 5 Rule requirements when information becomes
available.

If NO, proceed.

1-C: Available information is adequate to indicate that the resource
site is significant: YES or NO.

If YES, designate site 1-C; action required: Inventory

Location _____

Quality _____

Quantity _____

Proceed to 2

2. Conflicting Use Determination and Analysis

2-A: There are existing or potential conflicting uses at the site:
YES or NO.

If NO, designate site 2-A; action required: adopt a policy to
preserve resource site.

If YES, proceed.

2-B Describe the existing or potential conflicting uses at the site:

Complete ESEE Analysis of Conflicting Uses:

Economic: _____

Social: _____

Environmental: _____

Energy: _____

Conclusion of ESEE Analysis: _____

Proceed to 3

3. Program for Resource Protection

3-A Based on the ESEE analysis, the benefits from preserving the site outweigh those from allowing full conflicts: YES or NO.

If yes, designate site 3-A; action required: adopt policy and implementing measures to preserve site from conflicts.

If NO, proceed.

3-B: Based on the ESEE analysis, the benefits from allowing full conflicts outweigh those from preserving the site: YES or NO.

If YES, designate site 3-B; action required: none.

If NO, proceed.

3-C: Based on the ESEE analysis, the benefits from allowing limited conflicts and protecting the site to some degree are comparable: YES or NO.

If YES, designate site 3-C; action required: adopt policy and clear and objective implementing measures to protect site by limiting conflicts.